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**From:** Kemmerer, John [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6F7FBB0D79C140118756523253A7C931-JKEMMERE]  
**Sent:** 3/9/2015 8:02:07 PM  
**To:** Hashimoto, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e627659f15648edb0476c956a3b1869-JHASHIMO]; Fleming, Terrence [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5d8dacc6210144b8972a37c3db71983d-TFLEMING]  
**CC:** Martin, Molly [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5e354815687a441593602e6051c0b801-MMARTI08]; Ziegler, Sam [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=70e177091bd1472e81022fd27426fc5b-SZIEGLER]; Woo, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d53f5b113cb44c0e8ef0c862fe5e939c-NWOO]  
**Subject:** RE: CBD Decision

Thanks Terry and Janet - I believe we probably have what we need for this discussion Friday. Safe travels!

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-----Original Message-----

From: Hashimoto, Janet  
Sent: Monday, March 09, 2015 12:25 PM  
To: Fleming, Terrence; Kemmerer, John  
Cc: Martin, Molly; Ziegler, Sam  
Subject: RE: CBD Decision

Thanks Terry. I didn't have the outcome of the oral arguments. That's more detail than I can follow, given that it was only a few weeks ago.

John, to answer your question, I can't say now if available data today continues to not support listing. We have to wait until the administrative record is submitted. The current list that should be coming to us (after the April 8th State Board hearing; delayed from March 17th) is only for RB1, 6, and 7. Don't know what data was submitted for consideration for RB1 coastal areas. Next list will be for RB3, 5, 9 (so more coastal areas to consider). Janet

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-----Original Message-----

From: Fleming, Terrence  
Sent: Monday, March 09, 2015 12:13 PM  
To: Kemmerer, John; Hashimoto, Janet  
Cc: Martin, Molly; Ziegler, Sam  
Subject: FW: CBD Decision

Hi John, attached is the recent court decision that Steve W. talked about.

-----Original Message-----

From: Steve Weisberg [mailto:steve@scowrp.org]  
Sent: Monday, February 23, 2015 10:03 AM  
To: Fleming, Terrence; Richard Feely; Jan Newton2; Ali Boehm; Frances Chan; John Largier; Nina Bednarsek - NOAA Affiliate; Burke Hales; JENNIFER RUESINK  
Subject: CBD Decision

Several of the documents I sent you when we beginning on the 303d assessment document for the OAH panel related to the Center for Biological Diversity suit over whether EPA appropriately handled the 303d process in Oregon and Washington. Last week, the court handed

down their decision, which sided with EPA that 303d listings are not appropriate with the quality and type of data that were available at the time the decision was made. Many of the points made are relevant to, and reinforce, the ideas we will be addressing in our manuscript.

Feel free to share any thoughts on this via e-mail, but we will also discuss some of the points on our next conference call (March 16).

Steve